

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NEIL CHAPMAN,	)	
	)	
Petitioner,	)	
	)	Civil Case No. 06-308-HU
v.	)	
	)	
ROBERT LAMPERT,	)	
	)	
Respondent.	)	
_____	)	

O R D E R

Nell I. Brown  
Assistant Federal Public Defender  
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Portland, Oregon 97204

Attorney for Petitioner

John R. Kroger  
Attorney General  
Jonathan W. Diehl  
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1162 Court Street N. E.  
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Attorneys for Respondent

KING, Judge:

The Honorable Dennis Hubel, United States Magistrate Judge, filed Findings and Recommendation on February 4, 2009. Petitioner filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Hubel.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Hubel dated February 4, 2009 in its entirety.

IT IS HEREBY ORDERED that Petitioner's Second Amended Petition for a Writ of Habeas Corpus (#34) is denied. This action is dismissed with prejudice.

DATED this 5<sup>th</sup> day of March, 2009.

/s/ Garr M. King  
GARR M. KING  
United States District Judge